

# **TENNESSEE ALCOHOLIC BEVERAGE COMMISSION**

**Minutes  
February 21, 2008  
1:30 p.m.**

---

The regular meeting of the Tennessee Alcoholic Beverage Commission was held on Thursday, January 21, 2008 in Nashville, Tennessee at 1:30 p.m. Commissioner Cynthia Bond and Commissioner Harlan Mathews were present. Although Chairman Jones was not in attendance, a quorum was present and the meeting was held. Executive Director Danielle Elks, Assistant Director Carolyn Smith and CLEO Mark Hutchens, were present.

---

- 1. The Minutes for January 16, 2008 Commission Meeting were approved.**
- 2. NEW BUSINESS**

## **RETAIL**

### **A. CHAMPION LIQUOR STORE NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

**Applicant: Samir Badi Aramanuous**

Before the Commission is a request for a new retail store to be located at 152 Donelson Pike, in Nashville, Tennessee. Samir Badi Aramanuous wishes to initially invest \$50,000, and if approved, operate the business as a sole proprietorship. Financing is based upon existing personal funds. Mr. Aramanuous is leasing the property from Jimmy and Ting Lee for a period of fifteen years at \$6600.00/month. All documentation has been submitted, with the exception of the following:

- a. TABC Inspection;
- b. Acknowledgement of the rules and regulations; and
- c. Documentation indicating sufficient balances in banking accounts.

### **Discussion/Action Taken:**

Samir Badi Aramanuous was present at the meeting. Director Elks reviewed the application to the Commissioners and stated that documentation of the bank accounts had been received by the staff and she recommended approval upon submission of the TABC Inspection and the Acknowledgment of the rules and regulations. Commissioner Mathews made a motion to approve upon submission of the TABC Inspection and the Acknowledgment of rules and regulations. Commissioner Bond seconded and the motion passed with 2 ayes.

**B. AJ'S DISCOUNT LIQUOR  
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

**Applicant: Gerald Alexander**

Before the Commission is a request for a new retail store located at 2570 Kirby Whitten Road in Memphis, Tennessee. Mr. Gerald Alexander wishes to initially invest \$400,000, and if approved, operate the business as a sole proprietorship. Financing is based upon existing personal funds. Mr. Alexander is leasing the property from Double A Oil Company, LLC for a period of 10 years at \$6000 per month. All documentation has been submitted with the exception of the following:

- a. TABC Inspection and Report;
- b. Lease to Mr. Alexander as individual;
- c. Verification of source of funding;
- d. Acknowledgment of the rules and regulations;
- e. Use and Occupancy permit;

**Discussion/Action Taken:**

Director Elks reviewed the application to the Commissioners and recommended approval upon submission of the following documentation:

- a. TABC Inspection and Report;
- b. Lease to Mr. Alexander as individual;
- c. Verification of source of funding;
- d. Acknowledgment of the rules and regulations;
- e. Use and Occupancy permit;

Commissioner Bond made a motion to approve upon submission of the pending documentation. Commissioner Mathews seconded the motion and it was approved with 2 ayes.

**C. V & B'S LIQUOR  
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

**Seller/Licensee: John Hall**  
**Applicant/Buyer: V & B Liquor, Inc.**  
**Stockholders: Vernon and Brandi Hayes**

Before the Commission is a request for a transfer of ownership of the retail store located at 2232 Lamar Avenue, in Memphis, Tennessee. Vernon and Brandi Hayes wish to purchase the business for \$75,000, and if approved, will operate the business as a corporation. Each stockholder would own 50%. Financing is based

upon loans and cash advances from various financial institutions and credit cards. The applicant is leasing the property from Lamar Airways, LLC for a period of 6 years at \$1825/month. All documentation has been submitted with the exception of the following:

- a. TABC Inspection and report;
- b. Acknowledgement of the rules and regulations.

**Discussion/Action Taken:**

Director Elks reviewed the application to the Commissioners and recommended approval upon submission of the TABC Inspection and report and the acknowledgment of rules and regulations. Commissioner Bond made a motion to approve upon submission of the pending documentation. Commissioner Mathews seconded the motion and it was approved with 2 ayes.

**C. OPEN SPIGOT LIQUOR STORE  
CHATTANOOGA, TENNESSEE (HAMILTON COUNTY)**

**Licensee: Open Spigot Liquor, LLC**  
**Member: Gene Hardeman**  
**Applicant: Danny Wilson Spencer**

Before the Commission is a request for partial transfer of stock from Gene Hardeman to Danny Wilson Spencer for the retail store currently located at 4607-B Bonny Oaks Drive in Chattanooga, Tennessee. Mr. Hardeman, previously equal partners with James Downer, purchased Mr. Downer's interest in October, 2007 and became 100% stockholder. Mr. Hardeman now wishes to sell 50% of his stock to Danny Wilson Spencer for \$45,000. Mr. Spencer is financing the purchase through a line of credit with Regions Bank for \$25,000 and \$20,000 from personal existing funds derived from his other business. All documentation has been submitted with the exception of the following:

- a. Actual loan agreement with Regions Bank.

**Discussion/Action Taken:**

Director Elks reviewed the application to the Commissioners. She stated that after review of the application and request for the loan agreement, Mr. Spencer changed sources of the finances and desired to pay all monies through personal funds based upon proceeds from another business. She, therefore, recommended approval. Commissioner Bond made a motion to approve. Commissioner Mathews seconded the motion and it was approved with 2 ayes.

**D. WASHINGTON STREET WINE AND LIQUOR  
RIPLEY, TENNESSEE (LAUDERDALE COUNTY)**

**Applicant:** Washington Street Wine and Liquor, LLC  
**Members:** Phillip Webb, Sr. and Phillip Webb, Jr.

Before the Commission is request for a new retail store to be located at 282 South Washington in Ripley, Tennessee. Phillip Webb, Sr. and Phillip Webb, Jr. wish to initially invest up to \$100,000 to conduct business, and if approved, will operate the business as a LLC with Mr. Webb, Sr. owning 34%, and Mr. Webb, Jr. owning 64%. Financing is based upon a loan agreement with the Bank of Ripley. Mr. Webb, Jr. is leasing the property to the applicant for a period of 15 years at \$500 per month. All documentation has been received.

**Discussion/Action Taken:**

Director Elks reviewed the application to the Commissioners and recommended approval. Commissioner Bond made a motion to approve. Commissioner Mathews seconded the motion and it was approved with 2 ayes.

**E. THE GROG SHOPPE  
COLUMBIA, TENNESSEE (MAURY COUNTY)**

**Licensee/Seller:** Top Shelf, LLC  
**Members:** John Haarbawer  
**Applicant/Buyer:** Top Shelf Packaging, LLC  
**Members:** James Pratt, Melissa Pratt, and Jeremy Pafford

Before the Commission is a request for a transfer of ownership of the retail store located at 1129 Trotwood Avenue, in Columbia, Tennessee. James and Melissa Pratt and Jeremy Pafford wish to purchase the business for \$150,000, plus up to \$125,000 for inventory. Financing is based upon two loans with Heritage Bank and Trust. If approved, the members will be operating the business as a LLC, and the Pratts will own 25% each, and Mr. Pafford will own 50%. The applicant is leasing the property from Beth Buchignanim, Jean Robertson and Emily Robertson for a period of 5 years (with two options to renew), with monthly rent beginning at \$1000/month and increasing to \$1600/month over the life of the loan. All documentation has been submitted.

**Discussion/Action Taken:**

Director Elks reviewed the application to the Commissioners and recommended approval. Commissioner Mathews made a motion to approve. Commissioner Bond seconded the motion and it was approved with 2 ayes.

**F. HAMILTON LIQUOR  
CHATTANOOGA, TENNESSEE (HAMILTON COUNTY)**

**Licensee: OM Corporation of Tennessee**  
**Stockholders: Mukesh and Pragna Modi**

Before the Commission is a request for a transfer of location of the retail store currently located at 2288 Gunbarrel Road, Suite 112, in Chattanooga, Tennessee. The licensee is wishing to move to 2288 Gunbarrel Road, Suite 108, in Chattanooga, Tennessee. This desire is predicated upon the need for additional space to increase business. All documentation has been submitted.

**Discussion/Action Taken:**

Director Elks reviewed the application to the Commissioners and recommended approval. Commissioner Mathews made a motion to approve. Commissioner Bond seconded the motion and it was approved with 2 ayes.

**G. PIT ROW WINE AND LIQUOR  
BLUFF CITY, TENNESSEE (SULLIVAN COUNTY)**

**Applicant: Pit Row Wine & Liquor, LLC**  
**Member: Marvin Gurley**

Before the Commission is a request for a new retail store to be located at 4073 Highway 394 in Bluff City, Tennessee. Mr. Marvin Gurley wishes to initially invest \$100,000 in the business, and if approved, will operate the business as a LLC. Financing is based upon personal funds and a line of credit with First Tennessee Bank. The applicant is leasing the property from D & G Properties, owned by Leon Dunn and Marvin Gurley, for a period of five years, with an option to renew, for \$4000/month. Issue: The original certificate of compliance indicated that both Mr. Dunn and Mr. Gurley were applying for the certificate and that both would own the business; however, Mr. Dunn holds a liquor-by-the-drink license in Crossville and is prohibited from having any interest—directly or indirectly—in the retail store. Documentation has been submitted indicating that Mr. Dunn has withdrawn his interest. All documentation has been submitted with the exception of the following:

- a. Use and Occupancy permit;
- b. Copy of Dunn-Gurley power of attorney;
- c. First Tennessee Line of Credit

**Discussion/Action Taken:**

Marvin Gurley was present at the meeting. Director Elks reviewed the application to the Commissioners and stated that this matter was not placed on the previous agenda because of certain issues with the original application. Director Elks stated that Mr. Dunn, Mr. Gurley's partner originally made application as a partner in this business on the original Certificate of Compliance. She further stated that Mr. Dunn paid for the Federal Tax Stamp. However, Mr. Dunn is statutorily prohibited from having a retail license because he has liquor-by-the drink restaurant license in Crossville.

Director Elks stated that anyone that holds liquor by the drink license is prohibited from having any interest, either directly or indirectly, in a retail store. Because Mr. Gurley travels out of the country frequently, there was originally a power of attorney that gave Mr. Dunn the ability to handle Mr. Gurley's interests while he was out of the country—including decisions associated with the retail store. Mr. Gurley's attorney, Kim Rhoten, filed a revocation of power of attorney, so Mr. Dunn would no longer take any action on behalf of the retail store. Mr. Dunn cannot have anything to do with the operation of the store or make any investments into the store. Director Elks has informed Mr. Gurley that the staff will be looking into these matters if a license is issued to insure that Mr. Dunn does not have involvement with the operation of the retail store. Director Elks stated that after the submission of additional documentation and changes to the application, the application is now in order. Mr. Gurley has been advised of restrictions of Mr. Dunn's involvement. She recommended approval subject to any questions that the Commission may have regarding this matter. Director Elks stated that all documentation with the exception of the Use and Occupancy have been furnished to the staff. Commissioner Bond made a motion to approve upon submission of the Use and Occupancy permit. Commissioner Mathews seconded the motion and it passed with 2 ayes.

**3. WINERY**

**A. PARIS WINERY  
PARIS, TENNESSEE (HENRY COUNTY)**

**Applicant:** Paris Winery, Inc.  
**Stockholders:** Roger and Lisa Ciarrocchi

Before the Commission is a request for a new winery to be located at 2982 Harvey Bowden Road in Paris, Tennessee. Roger and Lisa Ciarrocchi wish to initially invest \$200,000 in the business, and if approved, operate the business as a corporation. Financing is based upon proceeds from the sale of real estate. The applicant is leasing the property from the Ciarrocchi Family Living Trust for a period of 10 years at \$500/month. The applicant intends to grow their own grapes, and currently does not have contracts with grape growers. All documentation has been submitted with the exception of the following:

- a. TABC Inspection;
- b. Acknowledgement of the rules/regulations;
- c. Use and Occupancy permit;
- d. Copy of closing documents showing sale of real estate.

**Discussion/Action Taken:**

Director Elks reviewed the application to the Commissioners. She recommended approval upon submission of the pending documentation. Commissioner Bond made a motion to approve upon submission of the pending documentation. Commissioner Mathews seconded the motion and it was approved with 2 ayes.

**4. DENIAL OF SERVER/EMPLOYEE PERMIT**

**A. DANA CAGLE**

Ms. Cagle is appealing the decision of the TABC staff to deny her application for a server permit. TABC staff denied Ms. Cagle's application based on an April 2, 2003, conviction for selling a beer/alcoholic beverage to a minor. T.C.A. §57-3-704 prohibits the issuance of a server permit to anyone who has been convicted of a crime relating to the sale of alcoholic beverages or beer within eight years of the date of the application.

**Discussion/Action Taken:**

Assistant Director Carolyn Smith requested a motion for default judgment because Dana Cagle failed to appear. Commissioner Bond made a motion to uphold default judgment. Commissioner Mathews seconded and the motion passed with 2 ayes.

**5. ADMINISTRATIVE CITATIONS**

**A. DEBRA JETT**

On December 18, 2007, TABC Agent Brad Allison observed the Respondent sell an alcoholic beverage to the nineteen year-old confidential operative at the hotel doing business as Hotel Indigo Nashville, in Nashville, Tennessee. The Respondent checked the minor's identification, but still sold the alcoholic beverage to the minor. An administrative citation was issued, and remains unresolved at the time of this agenda.

**Discussion/Action Taken:**

Assistant Director Smith stated that Debra Jett has paid the administrative citation; therefore, no action is necessary.

**B. KIMBERLY BURTON**

On December 18, 2007, TABC Agent Brad Allison observed the Respondent sell an alcoholic beverage to the nineteen year-old confidential operative at the hotel doing business as Nashville Marriott at Vanderbilt University, in Nashville, Tennessee. The Respondent did not check the minor's identification, but still sold the alcoholic beverage to the minor. An administrative citation was issued, and remains unresolved at the time of this agenda.

**Discussion/Action Taken:**

Assistant Director Smith stated that Kimberly Burton has paid the administrative citation; therefore, no action is necessary.

**C. LEO SMITH**

On December 18, 2007, TABC Agent Brad Allison observed the Respondent sell an alcoholic beverage to the nineteen year-old confidential operative at the hotel doing business as Courtyard by Marriott, in Nashville, Tennessee. The Respondent did not check the minor's identification, but still sold the alcoholic beverage to the minor. An administrative citation was issued, and remains unresolved at the time of this agenda.

**Discussion/Action Taken:**

Assistant Director Smith stated that Leo Smith has paid the administrative citation; therefore, no action is necessary.

- 6. BUDGET**
- 7. CONSENT ORDERS**
- 8. PENDING MATTERS LIST**



- 9. MISCELLANEOUS** - Director Elks advised the Commission that the annual In-Service Agents Conference will be held on April 28 thru May 2, 2008.

- **JAX LIQUOR STORE  
CHATTANOOGA, TENNESSEE (HAMILTON COUNTY)**

**Licensee:**      **Peggy and Steve Andrews**

On December 7, 2007, Aaron Andrew, a clerk for Jax Liquor Store in Chattanooga, Tennessee, sold a bottle of Canadian Whiskey to an underage operative. Both the clerk and the retail store have been issued citations. The retail store has resolved the citation by paying the civil penalty assessed; however, would like to briefly address the Commission.

**Discussion/Action Taken:**

Chris Oliver, attorney, was present at the meeting. Director Elks reviewed the application to the Commissioners and stated that in December 2007, Aaron Andrew, a clerk for Jax Liquor Store owned by Peggy and Steve Andrews, sold to a minor. Aaron Andrew was issued a criminal citation and Jax Liquor Store was issued a regulatory citation. The licensee wanted to address the Commission, and, therefore requested to be placed on the agenda.

Chris Oliver stated that Steve and Peggy Andrews wanted to convey to the Commission that they did not dispute the citation and regretted that the incident happened. Mr. Oliver stated that it was the last day for Aaron Andrew to work and he was having some personal problems and probably should not have been working the register. Mr. Oliver stated that there were individuals in the store immediately before that who stole a bottle of alcohol. Mr. Oliver stated that Steve Andrews's sister went to the parking lot and tried to obtain the vehicle's license number, and the individuals verbally abused her. Mr. Oliver stated that Steve Andrews was already upset and probably took his frustration out on the TABC agent when he learned of the incident. Mr. Oliver stated that Steve Andrews wanted the Commission and the TABC agent to know that he understood the agent was doing his job and to make sure that there was no doubt of their commitment to not letting incidents like this happen in the future and up their efforts even more in the future.

Commissioner Mathews stated to Mr. Oliver to tell Steve and Peggy Andrews that he sincerely appreciated his courtesy and his wanting to come before the Commission.

CLEO Hutchens stated that he would let the agent that handled the case that Mr. Oliver came to the Commission meeting and explained what happened.

Director Elks stated that she appreciated the licensee's efforts to explain and clear the matter. Director Elks stated that they don't have many licensees that are willing to take that extra step.

**10. DATE OF NEXT MEETING** – Thursday, March 20 and Thursday, April 24, 2008 at 1:30 p.m.

There being no further business the meeting was adjourned.

---

John A. Jones  
Chairman

---

Shari Danielle Elks  
Executive Director